



# ***Risky News***

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## **Risk Management Online Training Project**

Brenda Hardwick, Safety & Loss Control Specialist, is chairing a committee which is looking at putting general safety training on the internet for state employee access. Online training is a hot topic and the committee, formed of volunteer SRMAG members with Pinnacol loss control support, is looking to make it a reality for all state employees.

The general idea is that safety is the one subject that every state employee needs to learn as it affects every job in some manner. Everyone has a responsibility to do their work safely, following whatever safety rules that apply to their skills and job tasks. Unfortunately, not every employee receives even the minimum safety instruction. Online training would be another avenue to assure that every employee at least receives some basic safety training. Some of the first topics suggested are: Ergonomics, Violence Prevention, Hazard Communications, and Disaster Recovery.

It is intended that the training modules produced will enhance and support any other safety training that employees might receive, rather than replace them. It is a known fact that people learn differently. Online training will produce another tool to use to train employees and help make sure that everyone receives some kind of safety training.

If you have comments or suggestions about the online training project, please send e-mail to: [brenda.hardwick@state.co.us](mailto:brenda.hardwick@state.co.us)

**Got Posters?** If you need copies of Work Comp or other required posters, call Tom Bell at 303-866-4293



**RISK MANAGEMENT  
SEMINAR IS FRIDAY  
OCTOBER 13TH  
AT ARVADA CENTER**

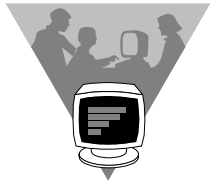
The annual State of Colorado Risk Management Seminar will be held on Friday, October 13, 2000 at the Arvada Center.

Gary Salmans of Marsh Inc., who was a presenter for the "think like a thief" and the workplace violence workshops of last year, is scheduled to be the keynote speaker, focusing on various employment and risk management issues.

Other tentative topics for this year's seminar include:

- ✓ Drowsy Drivers & Fatigued Workers
- ✓ State Insurance Policies
- ✓ De-stressing the workplace
- ✓ More Workplace Hazards
- ✓ Workers' Comp - Cultural and other issues
- ✓ Office Romance & Sexual Harassment
- ✓ Ergonomic Demonstrations
- ✓ Domestic Violence In the Workplace

So mark your calendar for October 13, 2000 for the Risk Management Seminar...it should be a good one!



## **RISK MANAGEMENT ON THE INTERNET...**

**Some websites with useful Risk  
Management information.**

The number of Internet sites with risk management information continues to grow. Here are a few which may be of assistance...

OSHA website (home page)  
<http://www.osha.gov>

OSHA computer-based training  
<http://www.osha-slc.gov/dts/osta/oshasoft/>

OSHA General Industry Standards  
[http://www.osha-slc.gov/OshStd\\_toc/OSHA\\_Std\\_toc\\_1910.html](http://www.osha-slc.gov/OshStd_toc/OSHA_Std_toc_1910.html)

Colorado Statutes  
<http://165.212.243.216/stat99/>

Colorado Regulations  
[http://www.state.co.us/gov\\_dir/leg\\_dir/olls/rulereg.htm](http://www.state.co.us/gov_dir/leg_dir/olls/rulereg.htm)

Colorado Worker's Compensation Act  
[http://www.state.co.us/gov\\_dir/gss/hr/risk/840101.pdf](http://www.state.co.us/gov_dir/gss/hr/risk/840101.pdf) (Note: you may have to reload this as it is a large document)

Worker's Compensation Rules of Procedure  
<http://workerscomp.cdle.state.co.us/Rules/rulescontents.htm>

Colorado Government Immunity Act  
[http://www.state.co.us/gov\\_dir/gss/hr/risk/2410101.pdf](http://www.state.co.us/gov_dir/gss/hr/risk/2410101.pdf)

Colorado Risk Management Act  
[http://www.state.co.us/gov\\_dir/gss/hr/risk/24301501.pdf](http://www.state.co.us/gov_dir/gss/hr/risk/24301501.pdf)



## **NEW OSHA GUIDELINES ON SAFER MEDICAL DEVICES**

**Self-capping syringes recommended**

OSHA has reviewed its Bloodborne Pathogens procedures and has decided that the newest, safest medical devices which help prevent exposure to bloodborne diseases are recommended.

The State of Colorado is not currently under OSHA regulation but State Risk Management recommends that state agencies follow OSHA regulations whenever possible.

OSHA has issued a new Compliance Directive on Bloodborne Pathogens. Compliance Directives are not regulations, but are guidelines used by OSHA compliance officers in the field.

The new directive says that with newer technology available, employers should use the safest equipment and techniques to protect their employees from exposure to bloodborne pathogens. OSHA does not advocate the use of one particular product over another.

The new directive recommends a comprehensive program including engineering controls (such as needleless devices, shielded needle devices and plastic capillary tubes) and proper work practices (including no-hands procedures for contaminated sharps and eliminating hand-to-hand passing of instruments in the operating room).

OSHA also recommends interactive employee training on how to properly use safer needle devices such as self-capping needles, and also recommends an annual review of the health care facility's exposure control plan. OSHA recommends FDA-approved safer needle devices, and also stresses the use of personal protective equipment such as gloves and face shields to help prevent infection.

The OSHA Bloodborne Pathogens Revised Compliance Directive can be found at:

[http://www.osha-slc.gov/OshDoc/Directive\\_data/CPL\\_2-2\\_44D.html](http://www.osha-slc.gov/OshDoc/Directive_data/CPL_2-2_44D.html)



## WORKERS' COMPENSATION UPDATE

### WORKERS' COMPENSATION INSURERS NOT ENTITLED TO SUBROGATION ON NON-ECONOMIC AWARDS, HIGH COURT RULES

The Colorado Supreme Court in a January 18, 2000 ruling, says that Colorado courts may apportion settlement proceeds between economic and non economic amounts. (*Colorado Compensation Insurance Authority v. Jorgensen*, Colo. Sup.Ct. No. 98SC211, 1/18/2000)

The high court held that a workers' compensation insurer has no subrogation rights against a spouse's recovery for loss of consortium in such cases, and that an insurer's subrogation rights do not include the non-economic portions of a claimant's recovery.

Subrogation is a process where the workers' compensation insurer shares in the award from a lawsuit against a third party which caused or contributed to a worker's compensation injury, to reimburse the insurer for the benefits it must pay to the injured worker.

Jorgensen fell through an unmarked and unprotected roof opening while working on a construction project and sued three companies as third parties to his worker's compensation claim against his employer. His wife also sued the companies for loss of consortium.

Before the lawsuits went to trial, CCIA and Jorgensen settled for nearly \$3 million dollars. CCIA asked the court to extend its subrogation rights to the entire recovery proceeds, not just the amount for Jorgensen's economic losses. The court disagreed, saying "The fact that CCIA never paid the spouse any benefits for loss of consortium is critical to our decision that CCIA cannot exercise its subrogation rights against the spouse's loss-of-consortium recovery. The court ruled that allowing subrogation would be a windfall and be unfair to the spouse.

### WORKER RECEIVING MAXIMUM PTD IS ENTITLED TO COST OF LIVING INCREASE

The Colorado Court of Appeals has ruled that a worker receiving permanent total disability benefits at the maximum capped rate is still entitled to an annual 2% cost-of-living increase. (*Salazar v. ICAO/Nelson Pipeline Constructors*, Colo. Ct. App. No. 99CA0895, 2/3/00)

The court noted that there was an "irreconcilable conflict" between the statute which sets a cap on benefits and the statute which requires a cost of living increase (COLA) on benefits. "We cannot give mandatory effect to both the COLA and the benefit cap provisions. Therefore the COLA provision, being last enacted, prevails and must be given full effect in this case", the court ruled.

"If the General Assembly had intended to limit the scope of the COLA provision, it would have so provided," the court noted.

### TTD MAY NOT BE REOPENED AFTER MMI

The Colorado Court of Appeals has ruled that a workers' compensation claim may not be reopened for additional temporary total disability benefits (TTD) due to a temporary worsening medical condition when the patient otherwise remained at maximum medical improvement (MMI). (*Richards v. ICAO/Coca-Cola Bottling*, Colo. Ct. App. No. 99CA0593, 1/20/00)

Thomas Richards had a compensable back injury in 1991 and reached MMI in 1993. Permanent partial disability benefits were awarded in 1995 and the case was closed except for continuing medical benefits. Richards had increased pain due to a change in medication but the doctor said he was still at MMI.

Richards contended that in order to reopen his claim due to a change of condition, he did not have to prove he was no longer at MMI. The court disagreed because Richards only wanted additional TTD benefits. The court said that since Richards was at MMI, he was no longer entitled to TTD by law.



## ADA UPDATE

### **JUSTICE DEPARTMENT SEEKS TO INTERVENE IN ADA SUIT AGAINST CITY OF STEAMBOAT SPRINGS, COLORADO**

The Justice Department is asking a federal court for permission to intervene in a private lawsuit against the public transportation system in Steamboat Springs, Colorado, on behalf of wheelchair users who have been denied access to city buses.

The Department's motion to intervene, filed in U.S. District Court in Denver, alleges that the city of Steamboat Springs violated the Americans with Disabilities Act (ADA) when it purchased used buses for its public transportation system that were inaccessible to people with disabilities, and failed to properly maintain and repair other buses with wheelchair lifts to ensure that the lifts were operated on a regular basis. This is the first time the Justice Department has asked to intervene in an ADA suit challenging the provision of public transportation services.

"Transportation is the gateway to an accessible society," said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. "If riders with disabilities cannot gain full access to the public transportation system, their efforts to become and remain employed, to have access to health care and other services, and to participate fully in American society will be greatly diminished."

The Justice Department became aware of the problems in Steamboat Springs, after learning of a private complaint filed by Timothy Richardson and Jonathan Steele, two individuals who alleged they were denied access to the city's transit system on a repeated basis. In the private lawsuit, filed in July 1999, Richardson alleged he suffered from severe frostbite while waiting for a bus to take him to work.

After conducting its own review, the Justice

Department also found evidence to support Richardson and Steele's claims that the city failed to provide alternate transportation options to disabled riders when wheelchair lifts were inoperable, and that the city's bus drivers were not properly trained to operate the wheelchair lifts.

The Justice Department's motion seeks, among other things, an injunction prohibiting Steamboat Springs from future violations of the ADA, and the payment of unspecified damages to the complainants to compensate them for the discrimination.

Title II of the ADA prohibits discrimination on the basis of disability in the services, programs, and activities of state and local governments, including public transportation services. The Department of Transportation has issued regulations for public entities to ensure their public transportation systems are accessible to people with disabilities.

### **DAYS INN HOTELS TO BECOME MORE ACCESSIBLE UNDER AGREEMENT REACHED WITH JUSTICE DEPARTMENT**

The world's largest hotel chain has agreed to implement a nationwide initiative designed to make hundreds of its new hotels across the country more accessible to persons with disabilities, under an agreement reached with the Justice Department.

The agreement, filed in U.S. District Court in Pikeville, Kentucky, resolves five lawsuits filed by the Justice Department in February 1996. The suits allege that Days Inns of America, Inc, and its parent company, Cendant Corporation (formerly HFS, Inc), violated the Americans with Disabilities Act (ADA) by constructing new Days Inn hotels that denied equal access to persons with disabilities. The ADA requires that those participating in the design and construction of places of public accommodation and commercial facilities, including hotels, motels, inns, and other lodging facilities, to comply with specific architectural guidelines known as the ADA Standards for Accessible Design to ensure that the facilities are readily accessible to and usable by persons with disabilities.

"We are pleased that Days Inns will initiate a program to make its recently-built hotels across the country accessible," said Attorney General Janet Reno. "I hope that other hotels and hotel franchises follow Days Inns' example and implement systemwide changes to make each of their facilities fully accessible to persons with disabilities."

Under the agreement, Days Inns will:

- ✓ Require new hotels to certify that they are in compliance with the ADA Standards before they open for business as Days Inns;
- ✓ Pay for an independent survey program designed to identify ADA problems at newly constructed hotels;
- ✓ Establish a \$4.75 million revolving fund to provide interest-free loans to franchisees of newly constructed hotels to finance repairs and renovations required for ADA compliance; and,
- ✓ Pay \$50,000 to the United States.

The cases against Days Inns were part of groundbreaking litigation brought by the Justice Department to challenge the failure of some companies to design and construct places of public accommodation and commercial facilities to be readily accessible to and usable by individuals with disabilities, as required by law. Today's agreement ends four years of litigation that followed an 18-month investigation of newly constructed Days Inn hotels across the country.

The investigation revealed that the hotels did not meet the ADA's accessibility requirements. Similar accessibility problems existed throughout the chain, including insufficient accessible parking, inaccessible entrances and walkways at the facilities; inadequate space for persons who use wheelchairs to maneuver in guestrooms and bathrooms; insufficient visual alarm systems for persons who are deaf or hard of hearing; inadequate signage for persons who are blind or have low vision; inaccessible routes throughout the hotels; and guestroom and bathroom doors that are not wide enough to allow wheelchairs to pass inside.

"Everyone who participates in the design and construction of a building shares responsibility to follow the law," added Bill Lann Lee, Acting Assistant Attorney General for the Civil Rights Division. "Today's agreement is the result of more than a year of mediation and is an excellent example of how the Civil Rights Division is using mediation to resolve civil rights disputes."

### **JUSTICE DEPARTMENT SUES LAW SCHOOL ADMISSION COUNCIL OVER TESTING POLICIES AND PRACTICES**

The Justice Department is suing the Law School Admission Council (LSAC) for denying persons with physical disabilities additional time to take the Law School Admission Test (LSAT).

The lawsuit, filed in the U.S. District Court in Philadelphia, alleges that LSAT violated the Americans with Disabilities Act (ADA) when it denied four individuals with physical disabilities, including cerebral palsy and juvenile rheumatoid arthritis, additional time on the multiple-choice portion of the LSAT, a standardized test administered to those seeking admission to law school. The lawsuit alleges, among other things, that LSAC required some applicants to obtain a psychoeducational assessment as a basis for determining whether it would grant the requested additional test time, a violation of the ADA.

"Individuals with disabilities must be given a fair chance to demonstrate their skills and abilities, said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights." "The failure to make reasonable modifications in testing practices and procedures penalizes disabled persons. It closes the gateways to professional opportunities."

Individuals and businesses who are interested in learning more about the Americans with Disabilities Act are encouraged to call the Justice Department's toll-free ADA hotline at 1-800-514-0301 (voice) or 800-514-0383 (TDD) and visit the ADA home page at: <http://www.usdoj.gov/crt/ada/adahom1.htm>.

## DO STATES HAVE IMMUNITY FROM ADA LAWSUITS? WE'LL HAVE TO WAIT...

The US Supreme Court was all set to hear two cases on whether state governments are immune from lawsuits under the ADA, but both cases were settled before they could come before the nation's highest court.

The two cases had opposing rulings from two different circuit courts of appeal. In *Florida Department of Corrections v. Dickson*, US No. 98-829, the Eleventh Circuit Court of Appeals had ruled that the state's sovereign immunity in the Eleventh Amendment was overruled by the Fourteenth Amendment equal protections as enacted by Congress in the Americans with Disabilities Act.

But in *Alsbrook v. Maulemme*, Ark., US No. 99-423, the Eighth Circuit Appeals court ruled that Congress exceeded its authority when it extended ADA mandates to state and local governments.

A Supreme Court ruling on these two cases would have given state governments clear guidance on whether they are covered by the ADA, but the dismissal of the cases leaves the appeals courts divided on this issue. However, there is another case involving states and the ADA, *University of Alabama v. Garrett*, US No. 99-1240, which may be heard by the Supreme Court next year.

## IS GENETIC BIAS ILLEGAL UNDER ADA?

Genetic bias, the use of job applicants' DNA to weed them out of the application process, may be illegal under the ADA. The EEOC takes the position that the ADA prohibits discrimination based on a worker's genetic predisposition for certain illnesses, although that position is not legally binding.

President Clinton signed an Executive Order on February 8, 2000 which limits genetic bias in federal agencies, which may be the initial step towards federal prohibition of genetic bias across the nation. The federal order allows genetic testing of employees only in limited circumstances that fit under current ADA rules.



## FEDS vs. FEDS

### Bureau wars continue - OSHA cites Immigration and Naturalization Service

Less than a week after citing the U.S. General Services Administration for two alleged willful violations (see page 9), OSHA has cited the U. S. Immigration and Naturalization Service's prison detention facility in Manhattan, NY for two alleged willful, and eleven other safety violations.

The citations result from an inspection of the detention facility conducted following a formal employee complaint that workers at the detention center were not provided with adequate respirators to protect them from tuberculosis exposure.

OSHA alleges that the INS is responsible for two alleged willful violations of OSHA's respiratory protection standard for failure to develop and implement a written respiratory protection program, and failure to provide employees with proper fit test for their respirators, as well as medical evaluations. If the employer were in the private sector, the alleged willful violations would carry a total proposed penalty of \$80,000.

The Immigration Service also received citations for failure to: maintain fire exits, maintain sprinkler heads, properly label exit doors, post "Not an Exit" signs on non-exit doors, prevent employee exposure to live electrical parts, provide correctly sized body armor to employees, follow proper housekeeping regulations, failure to provide employees with fire extinguisher training, implement lockout/tagout procedures and develop and implement a hazard communication program.

OSHA additionally cited the INS for not maintaining the required OSHA logs of accidents, injuries and illnesses.

*OSHA currently regulates other federal agencies but does not have power to levy fines against them*



# RECALL NOTICES

## **DEWALT® Recalls 18-Volt Power Tool Battery Packs**

DEWALT® Industrial Tool Co., of Baltimore, Md., is recalling for repair about 755,000 DEWALT® 18-volt battery packs (model DW9095) for use with various battery-operated tools. The battery packs' clips can come loose, causing the battery packs to fall. When working with these tools, falling battery packs weighing about 2.2 pounds can cause injury. DEWALT® has received 53 reports of battery packs falling from tools. There have been five reports of injuries, including a battery pack striking a consumer on the head. The recalled DEWALT® 18-volt battery packs are model number DW9095. Battery packs with an "R" etched after the date code or with a red dot on the name plate already have been repaired and are not included in this recall.

## **Power Strips Recalled - Shock & Fire Hazard**

Champion Power Strips- Frieder Inc., of Bedford Heights, Ohio, is recalling about 35,000 Champion Brand Tools 6-outlet power strips. The wiring in these power strips is undersized and poses shock, electrocution and fire hazards. It is a 125-volt power strip made in China, and bears no UL listing. The back of the strip has a date code indicating it was manufactured on 4/97. Writing on the cord includes "Chang RVV 300/500V." "Champion Quality Tools" and model number "10741" are written on the packaging. Discount outlets nationwide sold the power strips from January 1997 through July 1998 for about \$3.

## **1.9 million heaters recalled for fire hazard**

Vancouver, Wash - Cadet Manufacturing Company

has announced the recall of more than 1.9 million Cadet and Encore brand in-wall electric heaters, distributed mainly in California, Idaho, Montana, Oregon and Washington.

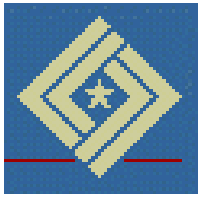
The following Cadet and Encore brand in-wall electric heaters are defective and can overheat and catch fire: models FW, FX, LX, TK, ZA, Z, RA, RK, RLX, RX and ZC. Flames, sparks or molten particles can spew through the front grill cover of the heater into the living area of a residence, putting consumers at risk from fires, including burn injuries, smoke inhalation and property damage. The heaters also can become energized creating a risk of electric shock.

## **FDA Alerts Health Professionals and Consumers to Nationwide Recall of Clinipad Antiseptic Sterile Products**

The Food and Drug Administration has announced that Clinipad Corp. of Rocky Hill, Conn., is voluntarily recalling antiseptic sterile skin preparations because of a potential for bacterial contamination. The reason for the recall is that the company has confirmed bacterial contamination in some lots of its sterile products, including one lot with *Pseudomonas aeruginosa* and *Stenotrophomonas maltophilia* (recalled in December 1999), and therefore cannot assure the sterility of products labeled and sold as sterile. These organisms can cause skin, wound, or other infections that may be serious or life-threatening in some cases.

The nationwide recall of the Clinipad sterile-products line includes Povidone Iodine, Tincture of Iodine, Benzoin Tincture, Acetone Alcohol and Alcohol Antiseptic Products, as well as Sterile Cliniguard Protective Dressing Labeled as "sterile," manufactured since Jan. 1, 1997. The products (swabsticks, prep pads, towelettes, ointments and pouches, as well as protective dressings) are distributed under the names: Cliniswab, Clinipad, Clinidine, Cliniguard, EZ Prep, Cooper Instrument Corp., Moore Medical Corp., and Rauscher. They are sold separately or packaged in various institutional kits and are widely distributed to blood banks, hospitals, clinics, and retail pharmacies and are used to control and prevent infection.





# OSHA UPDATE

## Colorado Worker Killed Last August - Contractor fined \$153,450 for willful violations

C & C Plumbing and Heating, Inc., Meeker, Colo., was cited Monday for willful and serious violations of the Occupational Safety and Health Act, and issued proposed penalties totaling \$153,450. The violations and penalties were issued after a fatality investigation. The fatality resulted from a trench collapse. The OSHA Area Director in Denver, said the fatality resulted because the employer failed to provide adequate sloping, shoring, shields, or equivalent systems to protect employees from cave-in hazards.

### Citations included:

Failure to ensure that adequate egress such as a ladder was used to enter and exit the trench.

Willful violation \$63,000

Failure to conduct daily inspections of the trench by a competent person and failure to provide an adequate protective system for employees working in the trench.

Willful violation \$63,000

Five Serious Violations: for not providing training, not utilizing hard hats, allowing water to accumulate in the trench, not placing excavated material a safe distance from the edge of the trench and providing inadequate shoring on the Friday prior to the fatality. Serious violations \$27,450

## Kurt Manufacturing. Hit With \$113,700 Fines

Kurt Manufacturing Company, Pueblo, Colo., was cited for 26 serious, repeat and other safety violations.

Proposed penalties total \$113,700. The citations were issued following an inspection of Kurt's metal fabrication plant which began Aug. 16, 1999. The inspection was part of OSHA's Site Specific Targeting plan which is based on the employer's Lost Workday Injury and Illness Rate. The OSHA area director said the violations resulted because the employer failed to have a comprehensive program which identified hazardous situations.

The repeat violations allege that Kurt Manufacturing:

- ✓ Failed to guard rotating parts on machinery. \$35,000
- ✓ Failed to guard points of operation on machinery. \$35,000
- ✓ Failed to properly use electrical equipment for its intended purpose. \$7,500
- ✓ Failed to use proper electrical equipment in wet/damp locations. \$7,500
- ✓ Failed to keep workroom floors in a dry condition. \$200

OSHA also cited Kurt Manufacturing a total of \$27,500 for nine Serious Violations and \$1,000 for 12 Other-Than-Serious violations including: unprotected open pits, unprotected open floor holes; inadequate eye protection; inadequate eyewash; lack of appropriate guards for numerous machines including, conveyor belts, saws, and gear motors; lack of appropriate point of operation guards for numerous machines including lathes, milling machines, and shears; lack of a guard for abrasive wheel; inadequate protection of flexible electrical cords; and damaged electrical components on equipment, unguarded stairs; unsecured ladder; improperly designed ladder, unrated portion of crane lifting device; damaged crane hook; improperly adjusted grinder work rest and tongue guard; unguarded belt and pulley system; unapproved hose clamps; unmarked electrical breakers; ungrounded electrical equipment; and unsecured electrical panelboards.

*Colorado state agencies are not regulated by OSHA*



**Food Company fined after OSHA inspection**

OSHA has cited White Wave Inc., Boulder, Colo., for two willful and 10 serious violations and issued proposed penalties totaling \$101,250. The inspection was initiated on August 25, 1999, as part of OSHA's Site Specific Targeting Plan which is based on the employer's Lost Workday Injury and Illness Rate. Bobby Glover, OSHA area office director in Denver, said a number of accidents and injuries occur in food processing facilities because of failure to comply with the OSHA regulations.

White Wave was cited for:

Failure to utilize procedures for the control of hazardous energy and failure to provide training on the safe application, usage and removal of energy control devices.

Willful violation \$49,000

Failure to provide facilities for quick drenching and flushing of the eyes and body.

Willful violation \$38,500

Failure to inspect hoist for defects; failure to cover floor hole drains; failure to evaluate milk kettle tanks to determine if they were permit-required confined spaces; failure to post signs identifying permit spaces; failure to implement a written permit space entry program; failure to guard machinery at point of operation; failure to install and maintain proper electrical switches and circuit breakers in wet locations; failure to maintain proper drainage in wet locations; failure to implement a hearing conservation program for employees exposed to noise above the action level of 85 dBA; failure to assess the need for personal protective equipment; failure to require the use of protective eye equipment where employees were exposed to hot soy products, hot water and corrosives; failure to implement a written hazard communication program and failure to provide hazard communication training.

10 Serious violations \$13,750

**GSA cited by OSHA after chemical spill**

OSHA has cited the U.S. General Services Administration for two alleged willful violations and one alleged serious violation of OSHA standards in a warehouse in Burlington, New Jersey.

OSHA compliance officers visited the GSA warehouse after receiving reports from news media of a chemical spill. Their investigation disclosed that a quantity of about 1800 pounds of calcium hypochlorite powder, used to chlorinate swimming pools, was spilled on the warehouse floor. Cleanup activities led to 27 employees' being treated for chlorine exposure at a local hospital.

OSHA alleges that the agency willfully violated OSHA's emergency response standard by failing to develop and implement an emergency response plan and to train employees required to assist in containment and clean-up. Another willful violation was alleged for failing to conduct an employee exposure assessment or provide respirators and chemical safety goggles. If the employer were in the private sector, the violations would carry a penalty of \$110,000.

The warehouse was also cited for storing materials with incompatible flammable material, an alleged serious violation which would carry a \$2,500 penalty in the private sector.

**Gasoline Storage Tank Explodes; Kills One Teen, Injures Another**

Flora Vista, NM - A gas tank explosion at a well site killed one teen-ager and critically injured another was apparently caused when one of the boys threw a lighter into the tank, police have said. A 16 year old male was killed in the explosion, and another 15-year-old was airlifted with burns to 25 to 30 percent of his body. San Juan County Sheriff's Office said it appears that the boys were playing atop the tank and one of them threw a lighter into it, causing it to explode.



**351400010**  
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